Abul A'la Maududi

KASHMIR

A CALL TO THE CONSCIENCE OF HUMANITY



JAMAAT-E-ISLAMI, PAKISTAN.

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By

SAYYID ABUL ALA MAUDUDI

Amir, Jamaat-e-Islami, Pakistan.

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THE KASHMIR PROBLEM

For nearly twenty years now, the beautiful land of Kashmir has been the stamping ground of a new and and aggressive imperialism—Indian Imperialism—which has remorselessly held its people down in oppression terror. Once the cynosure of poetical eyes in this subcontinent, and known the world over as a paradise on earth, this homeland of fifty million souls is now a shambles and a vast concentration camp. The Indian Union, which began to emerge as an imperialist power soon after its own liberation from British rule, laid its hands on Kashmir with the connivance and collaboration of the major imperialist powers of the West, and annexed the better part of it by brute force and terror. It has held on to this occupied territory all these eighteen years by violence and tyranny and in flagrant violation of right and justice and its own international commitments. There seems to be no end to this long reign of terror and rule of the knout. India is determined to keep the fruits of aggression at all costs and has adopted violence and terror as the principal instruments of its Kashmir policy. The Great Powers, in remorseless pursuit of their respective interests in the region, have not only turned a blind eye to India's wanton aggression and appalling repression in Kashmir, but are encouraging it, directly or indirectly. And the five million people of Kashmir, eighty per cent of whom are Muslims, and who are frantically

struggling to rid themselves of the Indian stranglehold, are being ground down by a terrific engine of repression. Unarmed and practically defenceless, they are making untold sacrifices for their freedom and the blood-soaked soil of their homeland bears testimony to their unconquerable will to be free. But, as the fight for freedom waxes, the repression and terror of the aggressor grow more and more fierce. During this latter half of the twentieth century, when colonialism is in retreat almost everywhere in the world, the stranglehold of the Hindu imperialism of India on this Muslim homeland is getting tighter and fiercer. In occupied Kashmir today, the cheapest thing is the life and honour of a Muslim.

How did this grave, disastrous dispute arise? Which are the powers and parties that caused it or helped it to grow into its present monstrous form? What is the position of Pakistan and the people of Kashmir from the geogrphical, historical, juridical, political and moral points of view, and how is India trying to set all these considerations at naught? What are the means and methods by which India established its hold on Kashmir and has maintained it so long? All these questions must be carefully considered if the realities of the situation in Kashmir are to be clearly seen and the issues involved correctly appreciated and analyzed. Accordingly, in the following pages, we present to civilized mankind all the facts of the case without any mincing of words, and call upon every nation in the world to decide and proclaim whether it is on the side of truth or falsehood, whether it supports the oppressor or the oppressed? Is the conscience of civilized mankind willing to put up with the oppression and atrocities to which the people of occupied Kashmir are

being subjected with a brazen-facedness that would have turned any Nazi gauleiter green? Is it not yet time for all lovers of truth to get together in a concerted attempt to help the oppressed people of Kashmir and hold the hand of the aggressor? Have we forgotten the historical truism that tyranny in any part of the world is a threat to humanity in all parts of the world? Those who passively look on while others are being robbed of their rights and freedom and dispossessed of their human heritage are bound, sooner or later, to meet a similar fate. The innocent blood that is being shed by the Indian tyrants in the part of Kashmir that they hold cries aloud for justice to the whole of mankind, particularly the world of Islam.

II

GEOGRAPHICAL HISTORICAL AND POLITICAL BACKGROUND

The State of Jammu and Kashmir is situated in the extreme north of the Indo-Pakistan sub-continent and in the heart of central south Asia.[1] It borders on five independent countries, namely, Pakistan, Afghanistan, the Soviet Union, China and India. The State's frontier with Pakistan extends over about 700 miles. According to the census conducted in 1941, its population was 4,021,000 the proportion of Muslims being as high as 80 per cent. The population of Gilgit is 100 per cent Muslim; in the Valley of Kashmir, Muslims form 90 per

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1. The total area of the State is 840,471 square miles, and it comprises two plain regions:

(a) the Valley of Kashmir, 84 miles long and 25 miles wide, and

(b) Jammu Province.

cent of the population, and even in Jammu Province they are in a majority. The State as a whole is thus a predominantly Muslim area.[2]

Historically, the State of Jammu and Kashmir has been under the Muslims for nearly seven hundred years. The light of Islam dawned upon this region after the beginning of the rise of Islam in the Indo-Pakistan subcontinent, and thereafter the State grew and developed under the influence of Islam. It remained under local Muslim chieftains from A.D. 1310 to A.D. 1552, under Mughal rule from 1552 to 1715, and then the Afghan Governor administered it down to 1819. In 1819, when the Muslims had entered a period of decline and degeneration all over the sub-continent, and were fast losing their power and freedom, the Sikhs invaded Kashmir and brought it under their sway which lasted till 1846. The Sikhs ruled the State with a heavy hand and their repression and tyranny made life exceedingly difficult for the Muslim majority; indeed during those twenty-seven dark years they added to the annals of human savagery an appalling chapter which has no parallel in the history of India. In the meantime, the British had consolidated

2. The distribution of population was as follows :

		Total *Population*	*Muslims*	Ratio of *Muslims*
Jammu Province	...	1,981,433	1,215,676	
Kashmir Province	...	1,728,705	1,215,478	
Border districts	...	311,478	279,093	
Total,	...	4,021,616	3,101,247	77.11%

According to the 1951 census, the total population of the State was 4,370,000, and now, inspite of all the killings and exodus of Muslims, it exceeds 5 million

their power in India, and after defeating the Sikhs, sold the whole state of Jammu and Kashmir to a Dogra chieftain of Jammu, Sardar Gulab Singh, for a paltry sum of Rs. 2.5 millinn equivalent to about Rs. 5 million in terms of the present Indian currency, or one million dollars. In other words, the people of Kashmir were sold away at the price of Rs. 7 per head ! This historical tragedy occurred on the 16th of March, 1846, and is known as the Treaty of Amritsar. On that day, by virtue of this treaty, the State of Jammu and Kashmir passed under Dogra rule, and the present Government of India and its agents in Srinagar are its heirs and successors.

In order to be able to comprehend the Kashmir dispute in its proper perspective and full dimensions, it must be clearly understood that Kashmir was subjected to Dogra rule through an outrageous and oppressive act by which an alien ruling power sold away a whole people, for a paltry sum of money, to a pack of wolves who had no conceivable claim to the territory from the historical, political, legal or cultural point of view. After having established themselves, the Dogra rulers of Kashmir mercilessly exploited the people of the State and extorted the last penny out of them. The eighty per cent Muslim population of the State was left to the tender mercies of the Kashmiri pandits, who monopolized all the key posts in the Government and had the force of the army and the police at their command. The bulk of the Muslim population toiled and sweated and suffered while the Hindu minority in power wallowed in pleasure and luxury. The Muslim peasants tilled the land while the Hindu landlords enjoyed its fruits. These oppressive and extortionate landlords often did not allow the peasants an income that

would enable them to keep body and soul together. Moreover, they were subjected to various kinds of oppressive levies and taxes, some of which were indeed fantastic. For instance, people were taxed on account of the windows in their houses, the ovens in their kitchens, and on account of their wives and cattle; every profession was taxed; and one had to pay a levy even on a chimney in one's house. Worse still, forced labour was the order of the day: Muslim youths were put under the yoke of forced labour, and had to drudge like slaves under the bayonets of Dogra soldiers.[3] The Muslims were forbidden to establish any contacts with people outside the State; nor could they go out and tell their tales of woe in British India under the protection of the Paramont Power. When some of them tried to inform the outside world of their miserable condition, they were clapped behind the bars and the bolder among them were shot dead. All this savage tyranny was practised under British patronage, and the armed forces of the Paramount Power were always available to help the rulers of the State.

This was the dark and formidable tyranny against which the Muslims had to pit themselves in their struggle for freedom. When, on the withdrawal of British power from the sub-continent, the ruling clique in the State felt that it was not strong enough to hold its own against the mounting tide of popular discontent and rebellion, it entered into an unholy alliance with the

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3. For further information, see :

(a) Lawrence, Walter : *India We Served*, New York, 1927.

(b) Ibrahim, Sardar Mohammad : *The Kashmir Saga*, Lahore, 1965.

(c) Sufi, G. M. D., *The History of Kashmir*.

Indian Union and brought about the State's so-called accession to India. Thereafter, the Muslims of Kashmir became the victims of the combined forces of Indian imperialism and the savage rulers of the State. Their first warrant of slavery was the Amritsar Treaty of 1846; the second was the 'accession' to India in 1947.

This is one aspect of the historical and political perspective of the Kashmir dispute. The other aspect is that the people of Kashmir did not, at any stage, surrender completely to the tyranny of their rulers. They were, of course, helpless against the formidable power of the oppressors; but they never reconciled themselves to their lot, let alone strike a bargain with the tyrants. They continued to struggle all along for their freedom and human rights. Right on the morrow of the Treaty of Amritsar in 1846, the Muslims of Mirpur, Poonch, Rajauri, and Ranipur raised a voice of protest against that sordid bargain, and the freedom-lovers of Gilgit and Baltistan staked their lives to raise the banner of revolt. All the attempts of the rulers to force the freedom-fighters into submission and silence failed to suppress their ardour and break their will, and the voice of freedom continued to be raised from time to time. One of the milestones in the Kashmiris' struggle for freedom was the revolt of the Srinagar Silk Workers in 1924. A few years later, in 1930, Chaudhry Ghulam Abbas laid the foundation of the Muslim Young Men's Association in Jammu; and in Srinagar Shaikh Muhammad Abdullah launched an organized movement. The annals of that period of Kashmir's history are replete with records of political meetings and processions, arrests

and shootings. Thousands of Muslims laid down their lives during that movement, and many times that number were consigned to prison. In British India, the Muslims of the Punjab launched a movement in support of the Kashmiris in which the celebrated poet-philosopher Iqbal participated vigorously along with many other Muslim leaders. In 1932, the people of Kashmir took a major step towards integrating the various efforts for their liberation; on October 16 and 17 of that year the foundations of the All-Jammu and Kashmir Muslim Conference were laid, and Chaudhry Ghulam Abbas and Sheikh Abdullah joined hands on a common platform. Subsequently, the leadership of the struggle passed into the hands of the Muslim Conference. Disturbed by this turn of events, the Indian National Congress made a bid to disrupt the new-found unity of the Muslims of Kashmir by setting up the Kashmir National Conference, which was inspired by the nationalistic ideology of the Congress. Thereafter the Muslim Conference developed into the principal political organisation of the Muslims and the National Conference became the representative of the Congress point of view, and both continued the struggle for freedom on parallel lines.

When, in 1940, the Muslims of British India adopted the Pakistan Resolution, the Muslims of Jammu and Kashmir also adopted Pakistan as their political ideal and the Muslim Conference accepted it as its principal political aim. The Muslim Conference soon provoked the wrath of the State Government, which let loose a fresh wave of violence and terror and imprisoned or exiled countless leaders and workers of the Conference. Nevertheless, in the elections held in the State in 1947,

the Conference won 15 out of the 21 Muslim seats in the legislature, in spite of the fact that most of the leading figures of the organisation were behind the bars at the time. As to the remaining six seats, the Conference could not contest them because the nomination papers of its candidates for those seats had been rejected.

The freedom struggle of the Muslims of Kashmir was at its height after the end of the second World War, and the years 1946 and 1947 were a crucial period in the political history of the State. The events and developments during that period made it clear beyond any shadow of doubt that, with all their repression and terror, violence and lawlessness, the Dogra tyrants would not be able to maintain their stranglehold on the State or prevent its people from joining Pakistan. This was the state of affairs in Jammu and Kashmir at the time when the sub-continent was partitioned into the sovereign states of India and Pakistan.

III

PARTITION OF INDIA AND THE KASHMIR DISPUTE

After having ruled the sub-continent for about eight hundred years, the Muslims were defeated and replaced by British imperialism. After having established themselves, the British tried their best to weaken the Muslims politically, militarily, educationally, socially and morally. They were denied opportunities to enter state services and they were rendered ineffective in all fields of life. The British treated the Muslims

as their real adversaries and chose the local Hindus as their friends and favourites. According to a deliberate scheme, the Hindus were encouraged and patronised as against the Muslims, so that the Muslims should be subjected to the dual yoke of the Hindus and the British. The Muslims could by no means accept such a situation. Genuine and lasting co-operation between the Hindus and the Muslims was practically out of the question. They followed two essentially different religions and patterns of civilization. They were two separate and distinct nations in respect of religious beliefs and doctrines, culture and modes of living, language and literature, history and civilization, customs and traditions, ideals of life and economic interests, national aims and political aspirations. And the Muslims could not possibly hope to set up under the Hindus a system of life based on the principles and doctrines of Islam. The Hindus wanted that the country should be rid of foreign rule and political power should pass into the hands of the majority, which should be able to establish its sway over the Muslim minority. The Muslims did not take long to see through this game of the Hindus and they took the stand that India was inhabited not by one but by two nations, namely, the Hindus and the Muslims. They, therefore, aspired for a different kind of political independence which would bring full freedom to both the nations. They could foresee that the political supremacy of the Hindus would be as unacceptable for them as the existing domination of the British. From the Muslim point of view, therefore, the only acceptable solution of the political problem of India was its division into two sovereign states, one comprising the Hindu majority areas of

the sub-continent and the other including the Muslim majority areas. This two-nation theory was in fact the basis of the partition of India, and the principle that governed the division was that the contiguous Muslim majority areas should together constitute a separate Muslim state, namely, Pakistan.

Apart from the territories that were directly under British administration, and known collectively as 'British India', the old India included a large number of native states. When the partition of the sub-continent was agreed to among the principal parties concerned, the native States too had to decide to cast in their lot with either of the two sovereign entities that were to emerge from India on the withdrawal of British power. Their future too, it was agreed, should be determined by the same principle, namely, that they should accede to India or Pakistan in accordance with the demands of their geographical situation and the communal complexion and wishes of their respective populations. The Viceroy and Governor-General of India, Lord Mountbatten, himself enunciated this principle in his address to the organisation of the native States, namely, the Indian Chamber of Princes, on July 25, 1947 :

> " The States are theoretically free to link their future with whichever dominion they may care. But when I say that they are at liberty to link up with either of the dominions, may I point out that there are certain geographical compulsions which cannot be evaded. You cannot run away from the Dominion Government which is your neighbour any

more than you can run away from the subjects for whose welfare you are responsible ."

The native States were in fact under a compulsion to decide their own future in accordance with the principle on the basis of which British India was to be divided; and the Government of India itself insisted on this in the case of certain States. When, shortly after independence, the principality of Junagadh acceded to Pakistan, India protested : " This is a complete negation of the principles on the basis of which the partition was decided and executed ". And, taking a stand on this contention, it took the law into its own hands and annexed Junagadh by force of arms. Later, in the much more important and serious case of Hyderabad, India reaffirmed that stand. From this it is perfectly clear that, *according to the principle of partition as accepted and interpreted by India itself, Kashmir should have acceded to Pakistan straightaway* ; and this was the manifest will and unequivocal demand of the people of the State. On the 9th of July, 1947, the Jammu and Kashmir Muslim Conference adopted a resolution demanding the State's accession to Pakistan and asking the Maharaja to accept the demand without delay :

> "This convention of the Muslim Conference has arrived at the conclusion that, keeping in view the geographical conditions, the eighty per cent Muslim majority of the population, the passage of the important rivers of the Punjab through the State, the language and the cultural, racial and economic connections of the people, and the proximity

of the borders of the State with Pakistan, it is necessary that the Jammu and Kashmir State should accede to Pakistan."

This was indeed the pressing and inescapable demand of the geographical situation, the historical reality and the well considered opinion of the people of the State. Unless this demand was accepted and carried out, the partition of the sub-continent would remain incomplete and a big blank would continue to mar the pattern of independence. But what has actually happened is a dark and shameful story of fraud, lack of political scruples, iniquity, cruel suppression of the Muslims and implacable hostility to Pakistan. Indeed, the story has few parallels in the annals of tyranny and aggression.

The Maharaja was guilty of duplicity from the very outset. On the one hand, he intrigued with the Indian leaders and the British rulers, and on the other hand, he sought to deceive Pakistan and beguile his own subjects. Instead of deciding on accession to Pakistan, he signed with it an agreement[4] under which the control of those affairs of the State which were the concern of the British before independence passed, provisionally, to Pakistan, and there was no fundamental change in the character of the relationship between the two. Pakistan was led to believe that this agreement was the first step towards accession, but the Maharaja pursued his intrigue in the opposite direction.

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4. The Standstill Agreement of August 15, 1947.

The Maharaja cleverly launched throughout the State a series of measures designed to suppress and destroy the Muslims. In July, he ordered all his Muslim subjects to surrender their arms. In August, all the Muslims in the State army and police were disarmed. At the same time, the State Government established contacts with the militant anti-Muslim organisations in India, of which the RSS[5] and the Hindu Mahasabha deserve special mention. These organisations established their bases in Jammu, and with the considerable organizing skill at their command, raised a private army whose sole aim was to exterminate the Muslims. Under the protection of the State army and police, nay, with their help and co-operation, the armed hordes of these aggressive organisations started attacking and slaughtering Muslims on a mass scale in various parts of the State. The range of these frightful activities extended over the entire State, but they were specially directed at the Muslims of Poonch, Mirpur and the various districts of Jammu Province. In September 1947, the Dogra Army, the State Police, the RSS, the Hindu Mahasabha and local Hindu gangsters at these places unleashed a concerted campaign for the annihilation of Muslims. Thousands of Muslims were butchered, property worth crores was sacked or pillaged, young girls were abducted, and most of the surviving Muslims were pushed a cross borders into Pakistan.

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5. "The RSS was organised as a secret group, and its founder, K. B. Hedgewar, and his successor, M. S. Golwalkar, were organizers and respected leaders—Fuehrers in the Nazi tradition. In the same tradition, the members of the organization wore uniforms, were trained in terrorism and were divided into military groups."—Dr. Josef Korbel, Member, U. N. Commission for India and Pakistan.

While the Muslims were thus being pulverised in Kashmir, the British Viceroy and the Hindu leaders of the Indian Congress were engaged in a conspiracy and intrigue that resulted in flagrant injustice to Pakistan in the demarcation of the boundaries between the two new Dominions and dealt a blow to Pakistan's lifeline. As a result of this conspiracy, the Muslim majority district of Gurdaspur, which linked the Jammu and Kashmir State to India, was handed over to the Indian Union. India was thus provided with a gateway to Kashmir, which later enabled the Indian rulers to run to the rescue of the Hindu ruler when he was about to be toppled by a powerful popular insurrection. This was Britain's parting kick to Pakistan, administered in collusion with the Hindus, and there was no remedy against it. The British politicians thus played a very dirty role in creating the Kashmir problem, and practically Stabbed Pakistan in the back.

The organisation and speed with which the Muslims were being decimated inflamed the entire population of the State. The wicked designs of the Maharaja had now been exposed and it was clear enough that the Standstill Agreement with Pakistan was a fraud and smokescreen behind which a diabolical scheme for the annihilation of the Muslims and the State's accession to India was being executed. The Muslims of Kashmir realized that their political destiny was being bartered away and that their enslavement could be averted only if they staked their lives in a supreme bid to defeat Dogra tyranny and frustrate the designs of Indian politics. The mounting repression on the Muslims of the State added fuel to fire. In October, the Muslims of Poonch, who

had formed the vanguard of the freedom struggle in 1846, rose in revolt. Earlier, they had refused to pay taxes to the Maharaja's Government ; now they launched an armed struggle for freedom. The Maharaja tried to suppress them by force but failed. The insurrection was fast spreading to various parts of the State and the historic struggle for freedom was entering a new phase. In Pakistan, reports of the happenings in Kashmir provoked a strong, countrywide wave of indignation and protest and tribesmen from the frontier regions began to cross the borders of Jammu and Kashmir to help their Muslim brethren in the State. From the historical point of view, the north-western areas of the Indo-Pakistan subcontinent have always constituted a single region, and the Muslims of what now constitutes West Pakistan have at every stage helped the freedom struggle of the Kashmiris and even participated in it.[6] The spate of disturbing stories of repression and terror in the State, and the growing influx into West Pakistan of thousands of uprooted Kashmiri families naturally shook and agitated the Muslims of the entire region; on the 22nd of October an irrepressible band of frontier tribesmen rushed to Poonch to help their struggling Muslim brethren, and a full-fledged war started between the people of Kashmir and their helpers and the Dogra hordes of the Maharaja.

The valiant struggle of the Kashmiri partisans and the Muslim volunteers who had come to help them soon

6 It may be recalled that, for instance, when the State forces killed hundreds of Muslims in front of the Srinagar Central Jail, in 1931, there were widespread demonstrations in the then Punjab and N.W.F.P. and thousands of persons had launched a people's march towards Kashmir and the British authorities arrested, in the Punjab alone, some 30,000 Muslims who were trying to enter the State to help their Muslim brethren.

turned the tables. The Dogra forces suffered a series of crushing defeats at various points, and in the last week of October the freedom-fighters were nearly knocking at the gates of Srinagar, the capital of Kashmir. The Maharaja, unnerved and shaken by these reverses, fled from Srinagar to Jammu; in the liberated areas of the State, on the other hand, the freedom-fighters set up a Government of Azad (Free) Jammu and Kashmir Government on the 24th of October, 1947.

The fleeing Maharaja sought a foothold in Jammu and gave the hordes of Hindu gangsters a general licence for a total onslaught on the Muslims. Nevertheless, he was fast losing control of the situation, and the partisans and volunteers in Azad Kashmir were marching from victory to victory. After having been practically defeated in battle, the Maharaja sought to achieve his aim by fraud and stratagem. Notwithstanding the State's Standstill Agreement with Pakistan, he appealed for aid to India in accordance with a pre-conceived scheme between the two parties; and no sooner had the appeal been received by India than the National Defence Committee ordered the immediate despatch of arms and ammunition to the State and rushed the Secretary of the Ministry of States to Srinagar to secure Kashmir's formal accession to India. On the 26th of October, the fleeing Maharaja signed the Instrument of Accession and India 'provisionally' accepted the accession; and the Government of India immediately rushed its forces into the State. Pakistan, on the other hand, refused to recognize this fraudulent accession and declared that the entry of Indian troops into Kashmir was manifest aggression.

This was an extremely critical and explosive situation. The poorly armed freedom fighters of Kashmir and their volunteer helpers found themselves under an onslaught by large numbers of Indian troops armed with the latest weapons and means of warfare and supported by the Indian Air Force. But the freedom-fighters remained undaunted and, at the cost of countless lives, halted the advance of the Indian hordes. By the month of May, however, the fighting had spread to areas dangerously close to Pakistan's borders, and Pakistan was compelled to join the battle. Her armed forces had not yet been properly organized and much of her share of the arms and military stores of the old India was still in the possession of the new Indian Union. Nevertheless, a limited number of Pakistan forces marched into the State to help the Azad Kashmir troops and their volunteer helpers, and defended the liberated areas with remarkable skill and valour.

Pakistan wanted to refer the matter to the Security Council immediately after the entry of Indian troops into Kashmir ; but India prevented her by various political stratagems from doing so. It made a move for a settlement of the dispute through direct negotiations—a move which later turned out to be a smokescreen for stepping up the Indian military offensive in Kashmir. Later, when the Indian leaders found that the stratagem could not carry them very far, they themselves took the initiative in moving the Security Council and, on January 1, 1948, referred the dispute to it in a highly distorted form. On the 15th of January, Pakistan filed a counter-complaint. Thereafter, the war over Kashmir proceeded in the Security Council on the diplomatic

plane, as well as on the field of battle in the valleys and hills of Kashmir.

At the United Nations, Kashmir remained under discussion and debate for a whole year. India resorted to all kinds of tricks and stratagems in a desperate bid to relegate the main issue of accession to the background and keep the discussions centred on the cessation of hostilities. Pakistan, on the other hand, insisted that the main issue was the political future of Jammu and Kashmir and that it could be settled only if the question of the State's accession was decided in accordance with the wishes of the people. Ultimately, on the 13th of August, 1948, and the 5th of January, 1949, the Security Council adopted two resolutions calling for the cessation of hostilities followed by a free and impartial plebiscite on the question of accession.[7] These resolutions were accepted by India as well as Pakistan, and fighting stopped on the 1st of January, 1949.

Seventeen years have since passed without any plebiscite in the State. The better part of Kashmir is under India's unlawful occupation, its people continue to be held down in repression and terror, the blood of Muslims is being want only shed, and the United Nations continues to be a helpless witness to this cruel mockery and flagrant violation of its resolutions on Kashmir.

We shall now proceed to study the aspect of the tragedy that will show us the fraud, perfidiousness and flagrant highhandedness to which India has resorted in the political sphere.

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7. For the text of the resolution *see* Appendix I.

IV

THE KASHMIR PROBLEM AND PAKISTAN'S STANDS

Pakistan's stand on Kashmir is not motivated by any land-hunger. She asks for nothing more than the extension to Kashmir of the principle that determined the division of the rest of the sub-continent By repression and perversity India has so far prevented the application of that principle in the case of Kashmir. On the one hand, it has enslaved five million Kashmiris, and on the other it is seeking to exert economic and military pressure on Pakistan. Pakistan's stand boils down to this: the principle of partition has not yet been applied to the State of Jammu and Kashmir; India has occupied the better part of the State by force and coercion and this occupation is illegal and thoroughly iniquitous and oppressive. And all that Pakistan demands is that the people of the State should be allowed to decide their political future through a free and impartial plebiscite held under the auspices of the United Nations. If the people should decide in a really free and impartial plebiscite to accede to India, Pakistan would ungrudgingly accept their verdict; and if they decide for Pakistan, the whole State should accede to Pakistan. But India knows it well enough that the people of Kashmir want to accede to Pakistan; therefore, inspite of her solemn and categorical pledges in regard to a plebiscite in Kashmir, India has evaded it so far and is trying to consolidate her hold on the State by force and repression. India is fully conscious of the facts that:

(a) Geographically, Kashmir is contiguous to Pakistan. It has a 700-mile frontier with Pakistan, and shares with her a single natural system of communications. Its economy is organically linked to Pakistan, and all the facts of geography tend to integrate it with Pakistan and separate it from India.

(b) Jammu and Kashmir shares a common history with the Punjab and the frontier areas of West Pakistan. The whole region is inhabited by people of a single racial stock, and its inhabitants have a common mode of living; they also have common traditions, customs and habits, and a common historical background. The whole region has always been, and continues to be, a single indivisible whole.

(c) An overwhelming majority of the people of the region are united by a common religion, namely, Islam. The State of Jammu and Kashmir has a Muslim majority of nearly 80 per cent and the bulk of its people strongly desire a union with Pakistan, which is an Islamic State. In the struggle for Pakistan the Muslims of Kashmir fought shoulder to shoulder with the Muslims of the areas that now constitute Pakistan.

(d) The partition of the sub-continent was based on the two-nation theory, and the two sovereign States into which the sub-continent was divided were established on the basis that *the contiguous Muslim majority areas would go to Pakistan and the contiguous Hindu majority areas would go to the Indian Union.* According to this principle, too, Kashmir forms part of Pakistan, and the people of Kashmir demand the State's accession to Pakistan.

(e) The people of Kashmir have fully tasted the oppressive and tyrannical methods of India's so-called

secularism, which is in fact a cloak for Hindu bigotry; and they have come to know by direct experience the plight to which India wants to reduce them. In view of their harrowing experiences they are not prepared to stay within the Indian Union even for a moment.

(f) The Muslims of Kashmir have also witnessed the appalling treatment of the sixty million Indian Muslims under the 'secular' order of the Indian Union, and the organized endeavour to de-Muslimise them and annihilate them as a separate entity. They are fully conscious of the fact that they can preserve their religion and culture, and their distinctive values and traditions, only by joining Pakistan.

The rulers of India are well aware of this situation and have no doubt in their minds that the people of Kashmir would vote overwhelmingly for Pakistan in a free plebiscite; they are, therefore, trying to maintain their hold on Kashmir by repression and terror, and are not prepared to allow the people under any circumstances to determine their political destiny through a free and fair plebiscite.[8] On the contrary, they are now trying, under

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8. This has been conceded, directly or indirectly, by several Indian leaders. We would content ourselves here with a brief quotation from a statement by Mr Jay Parkash Narain, a front-rank Indian leader, one of the close associates of the late Pandit Jawahar Lal Nehru, and a former President of the Indian National Congress:

> "If we are so sure of the verdict of the people, *why are we so opposed to giving them another opportunity to reiterate it.* The answer given is that this would start the process of disintegration of the country. The assumption behind the argument is that the states of India are held together by force and not by the sentiment of a common nationality. It is an assumption that makes a mockery of the Indian nation and a tyrant of the Indian State."

(*The Hindustan Times*,—New Delhi, April 20, 1964)

a carefully considered scheme, to turn the Muslim majority into a minority through periodic massacres, perpetual terror, and mass evictions from time to time, accompanied with the settlement of large numbers of Indian Hindus and Sikhs in the State. This policy is ominously reminiscent of the Zionist tactics in Palestine : for many long years Jews from all over the world were induced and helped to leave their houses and settle down in Palestine; and later this deliberately transplanted population was made the basis for the claim for a separate Jewish State in Palestine. Indian imperialists have taken a leaf out of the book of Zionist tactics and are experimenting the same on the poor and helpless Muslims of the State of Jammu and Kashmir.

These are the facts of the situation in Kashmir and the essentials of Pakistan's case in the dispute. Let us now proceed to study India's perpetual inconsistency on the issue and the countless somersaults that it has turned in its effort to hold Kashmir by hook or by crook. We shall also see how, by various deceitful and iniquitous devices, the Great World Powers have helped and encouraged India's efforts.

V

EFFORTS TOWARDS THE SOLUTION OF THE KASHMIR PROBLEM AND INDIA'S INTRANSIGENCE

We have indicated above the means and methods by which India annexed the better part of Kashmir and has held it. All valid considerations demanded the State's accession to Pakistan, and its annexation by India was thoroughly unjust and unlawful, and lacked any legal,

political or moral justification. From the strictly legal point of view, Kashmir had entered into an agreement with Pakistan which had been generally taken to be the first step towards accession. A powerful mass agitation was on in the State and the people were vehemently demanding accession to Pakistan. But just at the moment when the Maharaja had practically ceased to exercise effective authority in the State, and was on the run, he signed a phoney 'instrument of accession' to India against the manifest will of the people and in flagrant violation of the principle on which the sub-continent had beed partitioned. And under the cover of this false and fraudulent political transaction, India rushed its troops into Kashmir and grabbed as much of the State's territory as it could.

In the conditions prevailing in the State at that time, India had no right to send its troops into Kashmir to occupy any part of the State's territory. Indeed, the Indian rulers themselves had virtually conceded the fact at that time by declaring that the accession was 'provisional' and subject to final ratification by the people of the State. Later, the Security Council also reaffirmed, in various resolutions, that the political destiny of Kashmir would finally be determined by its own people through a free and fair plebiscite. These facts prove it beyond any shadow of doubt that, although India has long exercised *de facto* control over a large part of the State's territory, its occupation lacks legal title and occupied Kashmir is not a part of the Indian Union *de jure*. But in spite of having conceded this vital fact, India has maintained its stranglehold on the State in right imperialist fashion, and frustrated all attempts to solve the problem on a fair and democratic basis. It is determined to maintain its unlaw-

ful and oppressive occupation of Kashmir by brute force.

Before proceeding further we should see clearly how unequivocally India has itself conceded the *provisional* character of the State's so-called accession to the Indian Union.

On October 27, 1947, the Governor-General of India wrote to the Maharaja as follows :

> " In consistence with their policy that, in the case of any State where the issue of accession should be decided in accordance with the wishes of the people of the State, it is my Government's wish that as soon as law and order have been restored in Kashmir, the question of the State's accession should be settled by a reference to the people. "[9]

About the same time, the then Prime Minister of India, Pandit Jawaharlal Nehru, categorically reaffirmed the above commitment :

> " Our assurance that we shall withdraw our troops from Kashmir as soon as peace and order is restored, and leave the decision regarding the future of the State to the people of the State, is not merely a promise to your Government but also to the people of Kashmir and to the world. "[10]

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9. Letter from the Governor-General of India to the Maharaja of Kashmir, dated 27th October, 1947, vide *Defending Kashmir* —a Government of India Publication, Delhi, 1949, p. 164.

10. Telegram No. 225 to the Prime Minister of Pakistan, dated 31st October, 1947.

In the Security Council, in January, 1948, the Indian representative went on record with the following statement:

> " The question of the future status of Kashmir *vis-a-vis* her neighbours and the world at large, and a further question, namely, whether she should withdraw from her accession to India, and either accede to Pakistan or remain independent—all this we have recognized to be a matter for unfettered decision by the people of Kashmir after normal life is restored to them. "[11]

Moreover, the Indian Government and its leaders also conceded that the deed of accession signed by the Maharaja was temporary and 'provisional' and that the question would finally be settled by the people themselves. In the words of Pandit Jawaharlal Nehru :

> " In any event, from the start India was committed to the principle of letting the final word regarding accession rest with the people of the princely States, and there could be no getting away from that commitment. In fact, that was why India accepted Kashmir's accession only provisionally in 1947, pending the expression of the will of the people".[12]

The then Secretary of the Indian States Ministry, Mr. V. P. Menon, who had in fact secured the alleged instrument of accession from the Maharaja, has also unequivocally admitted that the accession was provisional.[13] A similar

11. 227th meeting of the Security Council, 15th January, 1948.

12. *The Times of India*, Bombay, July 7, 1952.

13. *The Story of the Integration of the Indian States*, MacMillan, London, pp. 339-40.

admission was made in the Security Council by the Indian representative, Sir Gopalaswamy Ayyengar.[14]

The leading Indian newspaper, *The Statesman*, has very aptly described the position :

> " Kashmir's accession to India was 'provisional' in as much as the State had temporarily surrendered defence, foreign affairs and communications to the Centre......Kashmir had not surrendered residuary powers to India, and the accession in the three surrendered subjects was also subject to confirmation. That was why Article 370 was a temporary clause. "[15]

This fact was reaffirmed by the Security Council, and its resolutions embodying this affirmation were accepted by the Government of India. The resolution adopted by the Security Council on April 21, 1948, said :

> "......that both India and Pakistan desire that the question of the accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic way of a free and impartial plebiscite. "

Later, in the resolution adopted on January 5, 1949, India's agreement to a free and fair plebiscite in the State was reaffirmed more explicitly :

> "Having received from the Governments of India and Pakistan in communications, dated December

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14. 227th meeting of the Security Council, 15th January, 1948.
15. *The Statesman*, New Delhi, April 15, 1964.

23, and December 25, 1948, respectively, their acceptance of the following principles......

"The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite......

(a) There is no threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite ;

(b) No restrictions are placed on legitimate political activity throughout the State. All subjects of the State, regardless of the creed, caste or party, shall be safe and free in expressing their views and in voting on the question of the accession of the State to India or Pakistan. There shall be freedom of the press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit ;

(c) All political prisoners are released ;

(d) Minorities in all parts of the State are accorded adequate protection ; and

(e) There is no victimization ".

About four years later, in December, 1952, the Security Council reiterated the position once again :

"......Recalling the provisions of the United Nations Commission for India and Pakistan resolutions of 13 August, 1948, and 5 January, 1949, which are accepted by the Governments of India and Pakistan and which provided that the question of the accession of the State of Jammu and Kashmir

to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations."

In 1957, the Security Council passed another resolution on Kashmir, which says :

"......the Governments of India and Pakistan recognize and accept the commitments undertaken by them in the resolutions of the United Nations Commission for India and Pakistan dated 13 August, 1948, and 5 January, 1949, which envisage the determination of the future status of the State of Jammu and Kashmir in accordance with the will of the people through the democratic method of a free and impartial plebiscite."

These, in a nutshell, are the solemn commitments that India made to the people of Jammu and Kashmir, to Pakistan, to the Security Council, and to the whole world. Nevertheless, it persistently evaded its commitments for years, and continued brazen—facedly to strengthen its stranglehold on the State ; and now it is trying to throw dust into the eyes of the whole world by proclaiming that Kashmir is an "integral part" of the Indian Union.

The broad outlines and turning points of India's Kashmir policy after her original commitments for a plebiscite are as follows :—

1. Pakistan had challenged Kashmir's so-called accession to India immediately after its announcement. A few

days later, on November 1, 1947, the Governor-General of the two Dominions met, and on behalf of Pakistan Quaid-i-Azam Mohammad Ali Jinnah proposed that the hostilities should cease, all troops should be withdrawn from the State, the Governors-General should assume joint responsibility for the administration of Jammu and Kashmir, and a referendum should be held under their joint supervision. *India rejected the proposal.*

2. The issue was then referred to the Security Council on a complaint by India, which presented the matter in an extremely misleading and distorted manner. Pakistan lodged a counter-complaint. In the course of the debate that followed, it became very clear that the Security Council was not interested merely in a ceasefire but also wanted a plebiscite to decide the question of accession. India, on the other hand, wanted to decide the issue primarily by force; *she therefore requested for an adjournment*, and the proceedings of the Security Council were held up for several months.

3. Ultimately, under the Council's resolutions of August 13, 1948, and January 5, 1949, a three point solution was adopted providing for a cease-fire, the withdrawal of all forces from the State, and a plebiscite on accession supervised by the United Nations. India (which had failed to secure a decisive triumph in the field of battle) accepted the cease-fire but began to obstruct the withdrawal of forces and the holding of a plebiscite. *She turned down all the various proposals put forth to ensure prompt and faithful implementation of the second and third parts of the United Nations plan.*

4. Pakistan prevailed upon all volunteer tribesmen to withdraw from Kashmir without any truce agreement, but *India refused to pull out her troops.*

5. In 1949, the United Nations Commission for India and Pakistan (UNCIP) called upon both the countries to implement the second and third parts of the UN plan, but *India turned a deaf ear to the Commission's calls.*

6. The Security Council then deputed Sir Owen Dixon to resolve the differences over the withdrawal of forces, but India again refused to respond. In his final report on the failure of his mission, Sir Owen wrote:

> "In the end I became convinced that India's agreement would never be obtained to demilitarization in any such form, or to provisions governing the period of plebiscite of any such character as would in may opinion permit of the plebiscite being conducted in conditions sufficiently guarding against intimidation and other forms, influence and abuse by which the freedom and fairness of the plebiscite might be imperilled." [16]

7. After having despaired of India's agreement to carry out its proposals, the Commission suggested that both the parties should accept it as an arbitrator whose decision should be final and binding. The Commission also appointed Admiral Nimitz to act as arbitrator on its behalf. *Pakistan accepted the suggestion but India rejected it.* The proposal for arbitration was put forth thrice in three

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16. Sir Owen Dixon's Report dated 15th September, 1950. S/1791, para 52.

different forms; *they were all acceptable to Pakistan but India rejected all of them.*

8. Representatives of the United Nations put forth several proposals about the withdrawal of the bulk of the armed forces from the State and the limited troops to be allowed to stay on. In spite of strong and valid objections, *Pakistan accepted all of them but India again refused to accept them.* Dr. Graham, who had meanwhile been appointed the U.N. Representative in the Kashmir dispute, made several attempts, but all in vain. In his report to the Security Council, he said :

> "......it was evident that, whereas the Government of Pakistan was prepared to comply with the resolution of the Security Council of 23 December, 1952, and to enter into immediate negotiations on that basis, the Government of India remained unable to accept the resolution as the basis for the resumption of negotiations."[17]

9. Sir Owen Dixon tried hard to evolve alternative solutions and to persuade the Government of India to agree to them; but "none of these suggestions commended themselves to the Prime Minister of India."[18].

10. In 1957, Dr. Graham made another attempt to break the deadlock: *Pakistan accepted all the five proposals put forth by him but India rejected all of them.*

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17. Dr. Graham's Fifth Report dated 27th March, 1953. S/2967, para 37.

18. Sir Owen Dixon's Report, para 51.

11. Pakistan also tried to resolve the issue through direct negotiations with India but failed.

From this brief survey of the various stages of the dispute, it is clear enough that India frustrated the U. N. mediation and direct negotiations and refused to accept international arbitration; in short, she made a plebiscite impossible and blocked all possible avenues of a peaceful and equitable solution of the dispute.

It was indeed tragic that the United Nations practically surrendered to Indian intransigence, the Great Powers countenanced her defiance of the U. N., the Soviet Union used its power of veto in the Security Council to help her, and its Prime Minister recognized Kashmir as an "integral part" of the Indian Union, during his visit to India in 1956. Worse still, America, which granted billions of rupees to India by way of economic aid and loans, did not try to persuade her to carry out the U. N. resolutions and directives on Kashmir. And the Security Council itself refused to take any disciplinary action against India, let alone subject her to any sanctions; and when the matter came up again before it in 1964, it adjourned *sine die* without even passing any resolution.

This attitude of the United Nations and the Great Powers naturally emboldened India to block all available avenues of a peaceful settlement of the dispute, openly repudiate all her commitments on the issue, and pursue deliberately a policy aimed at eliminating the Kashmir issue by brute force and repression. She set up an oppressive political system in Kashmir and set out to crush and annihilate all freedom-loving elements by uninhibited

violence and terror. This policy and these methods have been pursued all these years with a perverse determination and a complete lack of remorse. The numerical strength of the Muslims of Kashmir is being decimated, large numbers of Muslims are being uprooted and driven into Azad Kashmir or Pakistan, and non-Muslims are being transplanted in large numbers from the Indian Union to occupied Kashmir. A few years ago, a Constituent Assembly of hand-picked Indian stooges and agents was made to 'ratify' and 'finalise' the State's 'accession' to the Indian Union. In utter disregard of all legal, moral and historical considerations, and in flagrant violation of her own international commitments and the directives of the United Nations, India decided to incorporate Kashmir into her own territory. And now the entire political and economic system of Occupied Kashmir is being integrated with India.

This, in short, is the scheme by which India is determined to 'solve' the Kashmir issue.

VI
FACT AND FICTION

In the foregoing pages, we have tried to expose, in the light of facts and historical evidence, India's real designs in Kashmir and the manner in which she is seeking to achieve her imperialistic aims. But, like any other oppressor or imperialist power, India has sought to justify her evil policy and vicious course in Kashmir and deceive world opinion through subterfuges and false arguments, distortions and misrepresentations, and perverted versions of facts. We shall now proceed to examine briefly the Indian propaganda on the issue.

(a) It is contended on behalf of India that the Maharaja had signed the original instrument of accession. We have already seen how and in what circumstances the deed of accession was secured. The fact that is particularly noteworthy in this respect is that the Maharaja had already signed a standstill agreement with Pakistan and that he had no right to sign a deed of accession to India while the agreement with Pakistan was in force.

(b) During the first few years of the dispute, India herself repeatedly conceded that the accession was provisional and subject to ratification by the people of Kashmir through a free plebiscite which has not been held yet. This is also the verdict of the Security Council.

(c) The people of Kashmir have expressed by various means their strong and uncompromising opposition to the State's accession to India; and India has herself accepted the principle that the decision of a State's ruler in regard to accession is without force or validity unless it is freely ratified by the people.

(d) In respect of Hyderabad, Junagadh and Manawadar, India herself took the stand that a mere deed of accession had no value and that, if the people of a State were opposed to such accession, the instrument had no legal validity or moral force.

(e) The Maharaja was on the run when he signed the alleged deed of accession and had lost control of a large part of the State's territory. The Government of India was itself conscious of this situation, and accordingly the Maharaja was deposed and ousted from the

State not long after the so-called accession, that is, on the 20th of June, 1949.[19]

2. Conscious of the untenability of its position, India later took the stand that the wishes of the people of the State had been determined through the State ' Constituent Assembly ' and the subsequent elections to the State Legislature. This contention is stupid as well as vicious :

(a) At the very outset India had given a solemn pledge to the people of Jammu and Kashmir, and assured the whole world, that the fate of the State of Jammu and Kashmir would be decided through a free and impartial plebiscite. This consultation was to be held simultaneously in the whole State, under U.N. supervision, and after the withdrawal of Indian as well as Pakistani forces from the State ; and the reference to the people was to be limited to the question of the State's accession to India or Pakistan. It goes without saying that a resolution by a hand-picked Constituent Assembly, or general elections held in only a part of the State under the shadow of Indian bayonets, could not possibly be a substitute for a free and fair plebiscite on accession.

(b) What is even more significant, India herself, and later also the Security Council, categorically declared that no decision by the ' Constituent Assembly ' of Kashmir would have any effect on the question of the State's accession. In the Security Council, the Indian representative said :

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19. "Having used the ruler conveniently to satisfy legal obligations, India lost interest in his fate. He may not have merited state mourning. But his departure does lend the legality of accession a somewhat artificial appearance." (Lord Birdwood, *Two Nations and Kashmir*, Robert Hale, p. 62.)

> " My Government's view is that, while the Constituent Assembly may, if it so desires, express an opinion on this question, it can take no decision on it."[20]

This position was later reaffirmed by the Prime Minister of India, Pandit Nehru, in a letter to the Prime Minister of Pakistan, dated March 5, 1954. And the Security Council in its resolution of March 30, 1951, made the following categorical statement on the question :

> "......the convening of a Constituent Assembly recommended by the General Council of the " All Jammu and Kashmir National Conference " and any action that assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the above principles (i.e., plebiscite conducted under the auspices of the United Nations)."

This was reaffirmed in a resolution on January 24, 1957.

(c) The whole world knows the conditions in which elections to the State Legislature were held. All the opponents of the people in power, and eventually even the State Premier, Sheikh Abdullah, were put behind the bars. The nomination papers of the Opposition candidates were rejected, only two of the 75 seats were actually contested, and all the candidates of the ruling party were returned ' unopposed ' to the remaining 73 seats.

20. 536th meeting of the Security Council, 9th March, 1951.

(d) **Moreover,** these 'elections' were confined to the part of the State's territory that is under Indian occupation. And even in these elections the question of the State's accession was not at all referred to the people.

Obviously, the results of such 'elections' could not be used to prove or disprove anything relating to the State's accession. And they could not by any means be treated as a substitute for a free and fair plebiscite. Elections of this kind were also held in the old undivided India several times during the British regime; and they were indeed more free and fair in many respects than those held in occupied Kashmir under a free India. In fact, all the Indian arguments and contentions boil down to the fact of 'possession': 'We have what we hold'. This is of course the law of the jungle; civilized mankind has never recognized mere physical possession as lawful ownership.

"India maintains," says *The New York Times*, "that Kashmir (or the part held by Indian troops—much the larger) has been thoroughly absorbed by law and in fact. It might be pointed out, however, that Alsace-Lorraine, after its seizure by the Germans under Bismarck, was also absorbed. It sent representatives to the Reichstag. It was absorbed again by Hitler. But no one disputes that Alsace-Lorraine is rightly and happily French today. Constitutional processes or force are not substitutes for popular will—the will that India refuses to test in Kashmir."[21]

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21. *The New York Times :* Editorial, April 13, 1964.

VII

WHAT IS HAPPENING IN KASHMIR?

So much for the legal aspect of the question. We shall now proceed to have a glimpse of the manner in which India is dealing with the internal situation in occupied Kashmir and of the remorseless repression and terror by which she has managed to maintain her stranglehold on the territory in the teeth of the opposition of the bulk of its people.

Soon after the onset of trouble in the State, in 1947, Sheikh Abdullah was released from prison and appointed Prime Minister, and his popularity was used as a means of hoodwinking the people. But before long Sheikh Abdullah himself became *persona non grata* with the Indian rulers, and he was removed overnight from the Prime Minister's house to prison, where he stayed for nearly eleven years on a trumped up charge of 'sedition'. Several hundred political workers were arrested and detained, and every voice that was raised in defence of freedom and the right of the people to determine their own destiny was instantly gagged. Students were subjected to violence on a large scale, and educational institutions were repeatedly closed for long periods. The elections were marred by all manner of malpractices, pressures, coercion, bribery or worse; and men of independent views were not allowed to come up. And, as the demand for a plebiscite grew in intensity and volume, repression and terror also become more and more severe. For the past few years occupied Kashmir has been practically a police state ruled and run under the shadow of bayonets and at the point of the gun.

POLITICAL CONDITION AND 'ELECTIONS'

These so-called elections of which Indian leaders and propagandists try to make so much were in fact held under the shadow of Indian bayonets and were guided by the batons of the State police. All the important leaders of the Opposition were clamped behind the bars. Most of the Opposition candidates who filed their nomination papers were also arrested, the papers of all the Opposition candidates were arbitrarily rejected, and the conscienceless stooges put up by the National Conference were all declared 'elected unopposed'. Originally, the first elections were scheduled to be held in 1950 ; but the necessary 'arrangements' took two years and the elections were actually held in 1952. This is what a disinterested foreign observer has to say about what the elections were like :

> "In October, 1950, the Jammu and Kashmir Conference Party, now controlling Kashmir politics, called for elections of a Constituent Assembly to determine Kashmir's future. Much of the Western world was dismayed. The elections were held anyway in the autumn of 1952 under the auspices of Sheikh Abdullah's party—and the Indian Army. Only two seats out of seventyfive were contested, and all were won by the Jammu and Kashmir Conference Party."[22]

Soon after the elections, Sheikh Abdullah was himself arrested and ratification of the State's accession to India

22. Weeks, Richard V. ; *Pakistan : Birth and Growth of a Nation*, 1964

was wrung from the Assembly. The conditions in which this approval was secured have been described thus by Sheikh Abdullah himself :

"I agree that I was responsible for setting up the Constituent Assembly. The decision on accession was taken after I and my colleagues had been put in jail. In order to arrive at that decision, many members were bribed with money and route permits and many were even coerced. You cannot say that the decision was arrived at in a free and fair manner."[23]

This is the 'decision' of the so-called Constituent Assembly which forms the basis of India's claim about the popular ratification of the State's accession.

The next elections to the State Legislature were held five years later, in 1957. Reporting the elections in *The* (Manchester) *Guardian*, Taya Zinkin, a journalist and writer almost notorious for her pro-Indian bias and prejudice, wrote :

"But there is no electioneering fever, no posters, no speeches—and except for eight constituencies out of 43, there are no elections in Kashmir. Thirty-five National Conference candidates were returned unopposed, partly because of a boycott by the Plebiscite Front and the Political Conference, partly because nine Socialists' and five other nomination papers were rejected....There is every sign that the elections were rigged."[24]

23. *The Hindustan Standared*, Calcutta, April 11, 1964.
24 *The Guardian*, March 29, 1957

Even the mouthpiece of a militant anti-Muslim organisation like the Hindu Mahasabha was constrained to admit that the elections had been rigged :

> "How do we expect the democratic world to accept such phoney elections as free elections ? It is one thing to convince oneself, quite another to convince others."[25]

The general political atmosphere in the State may well be gauged from the following resolution of the Kashmir Political Conference, an organisation in occupied Kashmir :

> "......strangulating restrictions, political persecution, detention without trial, physical and mental torture, economic chaos, moral degeneration, administrative corruption, Government coercion and a highly straining state of uncertainty and insecurity —this is Kashmir."[26]

These accounts of the state of affairs in Occupied Kashmir were later corroborated by Mr. F. M. Benett, in a speech in Caxton Hall, London, after a tour of that part of the State :

> " I was told stories of the sort that reminded me all too much of conditions in dictatorship States that one had witnessed in the years before, during and after the War".

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25. *The Organiser*, Delhi, March 29, 1957.
26. *The Times*, London, May 14, 1957.

Anthony Mann, a representative of *The Daily Telegraph*, has described the conditions in Occupied Kashmir thus :

> "......there is little to distinguish Kashmir from some puppet of the Kremlin—the country is riddled with police, militia, 'Special Police,' Government informers and a strong-arm organisation euphemistically termed the 'peace brigade', thugs of which beat up incautious critics. Other opponents of the regime are hauled to police stations and 'given the treatment' without any tiresome records."[27]

Only a year before the second 'elections' the Weekly *Free Thinker* of Delhi drew an equally disturbing picture of the situation in Occupied Kashmir :

> " Today foreign domination and local atrocious administration have combined to produce an atmosphere in which the freedom of the Kashmiris stands violently curbed. It would not be wrong to say that the State people have lost even what little freedom they had achieved as a reward for their heroic sacrifices from 1931 onwards.............A reigen of terror has been let loose in the State with minions of the ruling party ever prepared to beat up and torture peaceful citizens simply because they demand their right of self-determination and are highly critical of the high-handed and corrupt practices of the authorities. The

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27. *The Daily Telegraph*, London, March 15, 1957.

Government has perfected a machinery of repression which can favourably be compared to the one devised in Hitlerite Germany to annihilate the opposition."[28]

In an earlier editorial, the journal had condemned Kashmir as a " Police State where the law of the jungle has superseded human law."[29]

These accounts bring clearly into focus the intense and widespread repression and terror that plagued political life in Occupied Kashmir duriug the Nehru regime, and still plague it.

The conditions have been particularly alarming during the past nine or ten years. The Hazratbal incident, which inflamed the Muslims throughout the State, was followed by a new tide of repression and violence more fierce than the many waves that the people had experienced earlier. Thousands of political workers were arrested and thousands were killed. The police and the occupation forces are growing more and more high-handed and brutal day by day. Since the 8th of May, 1965, when Sheikh Abdullah was arrested for the third time, sixteen newspapers and periodicals have been closed down. On that day alone twentyseven people were killed by police firing on protest demonstrations, 126 were injured and 619 arrested. In the words of the celebrated Indian social worker, Miss Mridula Sarabhai :

"The armed police had been let loose everywhere. It

28. The *Free Thinker*, Delhi, July 21, 1956.
29. *Ibid.*, June 7, 1956.

was killing people like birds. There was no check—no magistrate. It was being done deliberately. Mr. Nanda had given a free hand to his men here."

A representative of *The New York Times* wrote as follows only a few months ago :

"The Indian guns and lathis are now needed to control Srinagar's own people, many of whom are openly anti-Indian.

"Everywhere you turn there are armed police and soldiers. Soldiers with rifles and sten-guns rumble through the streets all day in jeeps and trucks.

Time and again during the last few days Muslims have leaned towards a reporter and said, 'Please write what you see here. You are our only chance here.'"[30]

About the same time, the noted journalist Rawle Knox wrote in *The Daily Telegraph* :

" The Indian politicians who are now travelling the globe to explain their country's position on Kashmir would have been well advised to start with a trip to Srinagar. There they would have found students shouting pro-Pakistani slogans, police being pelted with stones and retaliating with rifle shooting, a couple of exploding hand-grenades and some mysterious house burnings. Over the week-end after the general strike by all Srinagar Muslims,

30. *The New York Times*, October 16, 1965.

leading Opposition politicians were arrested."[31]

David Van Paragh, a representative of the famous Canadian newspaper, *Toronto Globe and Mail*, writes :

"Helmeted police took up new weapons to add 'lathis', rifles and occasional sten-guns.........Carefully planned action by police, many of whom were brought from other States, was executed in the name of Indian secular democracy."[32]

In the *Contemporary Review*, George Bilaink writes : " For centuries, the fairest vale of Kashmir has been the poet's dream ; today tears pour from the bluest skies, over the handsome men and classically lovely women."[33]

About the same time, Hayens Johnson of the *Washington Post* wrote from Srinagar as follows :

"..... Hundreds have been arrested since the first of the month......some have been beaten by police and fire-hoses have been turned against college girls and medical students.

"......It is a fact that...civilians have been struck with long poles topped with pieces of iron, that Srinagar is an armed camp with soldiers every few feet, that crowds of young Kashmiris shout

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31. *The Daily Telegraph*, October 12, 1965
32. *Toronto Globe and Mail*, October 31, 1965.
33. *Contemporary Review*, British monthly journal, October 1965.

' Indian dogs go home', and that a deliberate policy of suppression of these facts exists.

"The whole of Kashmir is a big prison house......... Arrests, street-fighting, the tension, fear and oppression are present in Srinagar today......."[34]

Very much the same story is told by a resolution adopted at the students' meeting in Srinagar on September 29, 1965, and handed over to the U. N. Observer Headquarters there :

"The (Indian) Government sent its Gestapo into action, and wave after wave of repression was clamped on us. Kashmir was turned into something worse than a Nazi concentration camp and naked genocide was committed on us. The drama of Eichmann[35] was re-enacted. Repression reached its peak and we revolted."[36]

Finally, we would reproduce a few excerpts from a report by F. Chauvel, Special Correspondent of *Le Figaro*, a mass circulated daily of Paris, based on the tales of woe told him directly by refugees from the Indian side of the cease-fire line in Kashmir :

"Why are we treated like that? What have we done? Who has given (them) the right to behave towards us in such manner? Why do you help

34. *Washington Post*, October 20, 1965.

35. The savage Police Chief of Nazi Germany who was responsible for terrible atrocities on Germans not fovourably disposed towards the regime.

36. *Dawn*, Karachi, October 10, 1965.

India? Quit Kashmir, we want to go back to be free."

"I am surrounded by a big crowd of over-excited people shouting at me, raising their arms, pushing me like a punching ball."

" For nearly two months a guerilla warfare has been going on in the Indian-held Kashmir, and for weeks the shadow of the successes of the freedom-fighters' movement is the sad stories of poor villagers thrown out of their homes, bringing with them stories of burnt villages, raped women and death."

" An angry young man pinches my arm and tells me the story of his village Mandi somewhere in the vicinity of Poonch ":

' The Indians have cut off the breasts of our girls and held them up saying " Here is your Pakistan ". Seven members of my family have been taken by the soldiers and butchered', he went on, with tears in his eyes. Another man interrupted, 'They locked people in their houses and set fire to them. All the village has been burnt. '

" Thousands of refugees are pouring into Azad Kashmir with the same stories. It seems that the Indians are trying to clear up their own side of the ceasefire line by killing or pushing the villagers across the line. Still the fight goes on and I have been told tonight that all the Rajauri area south of Poonch is now under the control of the Kashmiris. For the Kashmiris there is no ceasefire, nor do

> they recognise any separation between the two parts of their country."[37]

All these savage methods and atrocious tactics are designed to turn the Muslim majority in Kashmir into a minority by slaughtering large numbers of Muslims and forcing the survivors to leave their homes and cross over to Pakistan. This terrible, cold-blooded scheme of genocide throws into the shade the similar performances of Nazi Germany. A representative of the London Weekly, *Time and Tide*, has rightly observed:

> "When order has been restored in Kashmir the politicians say a plebiscite will be held, but what is a plebiscite when those who would have voted are dead or driven out of their homes, or silenced by fear."

VIII

WHAT IS TO BE DONE?

This, in short, is the soul-rending story of Kashmir. By brute force and remorseless repression and terror, India is determined to maintain her stranglehold on five million Kashmiris and ultimately annihilate them as a separate community and political entity. But why, after all, is India pursuing this imperialistic, aggressive and tyrannical policy? We shall try to answer the question briefly here:

(a) The Hindu mind and the historical traditions of Hinduism are inherently imperialistic. History bears

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37. *Dawn*, Karachi, October, 3, 1965.

witness to the fact that the Hindu nation is a sworn enemy of the Muslims and is not prepared to let the Muslims live as an effective force in the world. For nearly a thousand years, the Hindus have perpetually nursed the desire to destroy the Muslims as a power, and sought to realize it from time to time; but the Muslims have always courageously met the challenge and frustrated the designs of the Hindus. Now, the Hindus have acquired in the Indian Union a power that has enabled them to reduce its sixty million Muslims to slavery and to undertake a vicious campaign designed to destroy their religion and annihilate them as a national and cultural entity. This power also enables them to keep the five million Muslims of Kashmir under their heels.

(b) Like all other imperialist powers, India is suffering from insatiable land-hunger. She has annexed by armed force the Muslim principalities of Hyderabad, Junagadh and Manawadar, and also the State of Jammu and Kashmir. If she is not effectively checked, her land hunger and pernicious intentions and designs are bound to have very dangerous consequences.

(c) The Indian occupation of the better part of Kashmir is in fact the first step towards the conquest of Pakistan itself. India has not for a moment earnestly accepted the existence of Pakistan, and her ultimate aim is to destroy this sovereign Muslim state.[38] The purpose for which India is sinking clossal funds in Occupied Kashmir is, first, to decimate and destroy the Muslim

38. On 6th September, 1965, it did attack Pakistan with full force but by the grace of Allah the valiant forces of Pakistan repelled the attack and turned the tables against the aggressors.

population of the State and, secondly, to use her occupation of Kashmir as a means of encircling Pakistan from three sides. The occupation is also calculated to harm Pakistan economically and to enable India to attack Pakistan's territories from various sides simultaneously.

(d) India has her eye not only on Pakistan; as a nascent emerging aggressive imperialist power, she covets all the Asian and African lands within her reach, particularly the neighbouring Muslim countries. Long years ago, the founder of free India, Jawaharlal Nehru, wrote:

> "India, constituted as she is, cannot play a secondary part in the world. She will either count for a great deal or not count at all. No middle position attracted me. Nor did I think any intermediate position feasible."

Later, after independence, one of the architects of India's foreign policy, Dr. K.M. Panikkar clearly expounded India's world designs. Two of his books are extremely important as a key to the study of India's aims and ambitions beyond her own frontiers. The philosophy of Indian foreign policy that he has propounded in these works is that the short-term aim of Indian policy should be to co-operate with the United Kingdom in the domination and control of the Indian Ocean, but the long-term policy should be to ensure Indian supremacy in the Ocean. He writes:

> "Unless, therefore, distant bases like Singapore, Mauritius, Aden and Socotra are firmly held and the naval air arm is developed in order to afford

sufficient protection to these posts, there will be no security or safety of India."[39]

Another Indian scholar, Dr. S. R. Patel, has written a treatise on the foreign policy of India[40] on which he has been awarded the degree of Doctor of Philosophy. Discussing the aims and interesest of India's foreign policy, he writes :

"Geography is a compelling factor......Therefore, India has a special interest in areas close to her by land or sea. Nepal, Pakistan, Afghanistan, China, Burma, Malaya, Indonesia and Ceylon are, therefore, very important to India." (p. 12)

"Therefore, India must control Singapore and Suez, the gateways to India. India's existence and independence stand imperilled if a hostile power occupy these key places." (p. 13)

"For long Afghanistan was a part of India...... In the modern world the oil requirements of India make Iran important......and hence India's interest in this region......Again India's oil needs bind her to Arabia......Iraqi oil in modern times brings India nearer to Iraq." (pp. 19-21)

"The power vacuum created by the departure of Great Britain needs to be filled in......India as a major sea-power of the future must have the

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39. *The Future of India and South East Asia : See also India and the Indian Ocean.*

40. *Foreign Policy of India: Inquiry and Criticism,* Bombay, 1960.

Indian Ocean from Singapore to Suez as her lake." (p. 22)

So these are the real aims and ambitions of India. Kashmir is the first target, then Pakistan, and ultimately other Muslim countries—particularly Arabia, Egypt, Iran, Afghanistan, Iraq, Aden and Sumatra—and finally other smaller nations of Asia and Africa. India is an aggressive imperialist power which is rising like a cobra to gobble all the smaller states in the region. If, God forbid, Indian imperialism succeeds in Kashmir, it will naturally be emboldened and will try to browbeat other neighbouring countries. If India's imperialist ambitions are to be frustrated, she must be checked at the very first step and put in her place. The evil must be nipped in the bud.

The Security Council's seventeen-year record on Kashmir leaves no doubt that it is trying to evade the issue and has utterly failed to check the high handedness and oppression of Indian imperialism. The Council's treatment of the Kashmir question is no different from the manner in which it dealt with the Palestine question and which only helped to strengthen Israelite imperialism. The Great World Powers too have not taken any serious interest in the Kashmir question. The problem was created by the British as they were relinquishing power in the Indo-Pakistan sub-continent ; the United States and the Soviet Union encouraged India in different ways. Not only did they refuse to press India to accept a fair and equitable solution of the dispute ; they perpetually helped India to stick to her perverse stand. Both the Great Powers have maintained a steady and

growing flow of economic and military supplies to India; and the Soviet Union has also helped India from time to time by vetoing every move in the Security Council towards the enforcement of its resolutions on Kashmir. Indeed, it would seem that both these Powers regard India's emergence as an imperialist Power as conducive to their own imperialist interests. Both the U.S. and U.S.S.R. seem anxious to prepare India as a powerful counterweight to China, and are also helping her to develop into a nuclear power. In the circumstances, it is futile to expect these Great Powers to help in the settlement of the Kashmir issue. Any fond hopes or illusions that might have lingered in this respect should have been finally dispelled by the Tashkent Declaration, which signifies an attempt by the USSR, with the open support of the United States, to put Kashmir in cold storage and perpetuate the Indian stranglehold on Occupied Kashmir.

What, then, is the way out, and what are the friends of Kashmir and the lovers of freedom, in Pakistan and elsewhere, expected to do about it ? To us, *Jihad* seems to be the only solution, and the brave freedom-fighters in Kashmir are already staking their all and bearing untold sufferings in their struggle to solve the problem. The least that we are in duty bound to do to help them is :

(a) To ensure the widest and most effective publicity for the real situation in Kashmir and make all possible efforts to mobilise public opinion all over the world in favour of Kashmiris' right of self-determination.

(b) To awaken the countries of the Islamic world and smaller nations of the rest of Asia and Africa to the menace

that Indian imperialism means to all of them, so that they do not labour under any illusions about it and prepare themselves to meet the threat.

(c) To induce India, through moral, political and economic pressure, to honour her pledge for a free and fair plebiscite in Kashmir, and make it clear to her that if she still refuses to do so, she will soon find the entire world of Islam and the other anti-imperialist forces in Asia and Africa pitted against her on all possible fronts.

(d) To press the Great Powers and the United Nations to desist from backing up and helping the new Indian imperialism and to exert pressure over India to hold a free and fair plebiscite in Kashmir under the auspices of the United Nations.

(e). To organize moral support and material help for the people of Kashmir so that they may be able to free themselves from the Indian yoke and determine their destiny freely in accordance with their aims and ideals. Those who are fighting for freedom and shedding their blood to secure their right to self-determination and an honourable life under the sun deserve all possible help from all those persons who value liberty and justice and honour. If we do not help them in full measure we fail in our duty to God and humanity.

Appendix

RESOLUTION ADOPTED AT THE MEETING OF THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN ON 5 JANUARY, 1949

THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN

Having received from the Governments of India and Pakistan in communications, dated December 23 and December 25, 1948, respectively their acceptance of the following principles which are supplementary to the Commission's Resolution of August 13, 1948 :

1. The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite.

2. A plebiscite will be held when it shall be found by the Commission that the ceasefire and truce arrangements set forth in Parts I and II of the Commission's resolution of 13 August 1948, have been carried out and arrangements for the plebiscite have been completed.

3. (a) The Secretary-General of the United Nations will, in agreement with the Commission, nominate a Plebiscite Administrator who shall be a personality of high international standing and commanding general confidence. He will be formally appointed to office by the Government of Jammu and Kashmir.

(b) The Plebiscite Administrator shall derive from the State of Jammu and Kashmir the powers he considers necessary for organizing and conducting the plebiscite and for ensuring the freedom and impartiality of the plebiscite.

(c) The Plebiscite Administrator shall have authority to appoint such staff or assistants and observers as he may require.

4. (a) After implementation of Parts I and II of the Commission's resolution of 13 August 1948, and when the Commission is satisfied that peaceful conditions have been restored in the State, the Commission and the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and State armed forces, such disposal to be with due regard to the security of the State and the freedom of the plebiscite.

(b) As regards the territory referred to in A 2 of Part II of the resolution of 13 August final disposal of the armed forces in that territory will be determined by the Commission and the Plebiscite Administrator in consultation with the local authorities.

5. All civil and military authorities within the State and the principal political elements of the State will be required to co-operate with the Plebiscite Administrator in the preparation for and the holding of the plebiscite.

6. (a) All citizens of the State who have left it on account of the disturbances will be invited and be free to return and to exercise all their rights as such citizens. For the purpose of facilitating repatriation there shall be appointed two Commissions, one composed of nominees of India and the other of nominees of Pakistan.

The Commissions shall operate under the direction of the Plebiscite Administrator. The Governments of India and Pakistan and all authorities within the State of Jammu and Kashmir will collaborate with the Plebiscite Administrator in putting this provision to effect.

(b) All persons (other than the citizens of the State) who on or since 15 August 1947, have entered it for other than lawful purpose, shall be required to leave the State.

7. All authorities within the State of Jammu and Kashmir will undertake to ensure, in collaboration with the Plebiscite Administrator, that :

(a) There is no threat, coercion or intimidation, bribery or other undue influence on the voters in plebiscite ;

(b) No restrictions are placed on legitimate political activity throughout the State. All subjects of the State, regardless of creed, caste or party, shall be safe and free in expressing their views and in voting on the question of the accession of the State to India or Pakistan. There shall be freedom of the Press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit ;

(c) All political prisoners are released ;

(d) Minorities in all parts of the State are accorded adequate protection ; and

(e) There is no victimization.

8. The Plebiscite Administrator may refer to the United Nations Commission for India and Pakistan problems on which he may require assistance and the Commission may in its discretion call upon the Plebiscite Administrator to carry out on its behalf

any of the responsibilities with which it has been entrusted.

9. At the conclusion of the plebiscite, the Plebiscite Administrator shall report the result thereof to the Commission and to the Government of Jammu and Kashmir. The Commission shall then certify to the Security Council whether the Plebiscite has or has not been free and impartial.

10. Upon the signature of the truce agreement the details of the foregoing proposals will be elaborated in the consultation envisaged in Part III of the Commission's resolution of 13 August 1948. The Plebiscite Administrator will be fully associated in these consultations.

Commends the Governments of India and Pakistan for their prompt action in ordering a ceasefire to take effect from the minute before midnight of first January 1949, pursuant to the agreement arrived at as provided for by the Commission's resolution of 13 August 1948; and

Resolves to return in the immediate future to the sub-continent to discharge the responsibilities imposed upon it by the resolution of 13 August 1948, and by the foregoing principles.